

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL GILL,

Plaintiff,

Case No.: 1:23-cv-04087

-v-

RUDOLPH W. GIULIANI, THE CITY OF NEW YORK,
P.O. MATTHEW T. MCCARTHY,
DETECTIVE MICHAEL LEVAY
SGT. FNU MILATTA, SGT. JAMES COUGHLIN,
SUPERVISER(S) JOHN DOE(S) Defendants.,

**DECLARATION OF
RUDOLPH W. GIULIANI IN
SUPPORT OF MOTION TO
DISMISS**

Defendants.
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1. I am a defendant in the above-reference action. As such, I am fully familiar with the facts set forth herein. I submit this declaration in support of the motion to dismiss that I made in this action.

2. Attached, hereto as **Exhibit A** is a true and correct copy of the complaint in this action (ECF Dkt. No. 1) (the "Complaint").

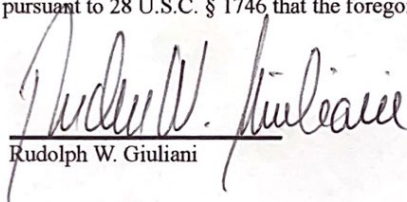
3. Attached hereto as **Exhibit B** is what I have learned to be the surveillance video referenced throughout the Complaint as reported by local New York television station Fox 5. It can be found at [Rudy Giuliani slapped in Staten Island supermarket - YouTube](#).

4. Based on the foregoing, in addition to the reasons set forth in the accompanying memorandum of law, the claims against me should be dismissed in their entirety.

5. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: August 21, 2023

New York, NY



Rudolph W. Giuliani

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL GILL,

Plaintiff,

Case No.: 1:23-cv-04087

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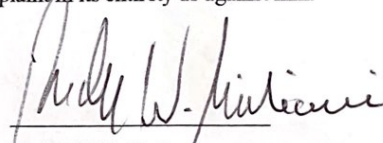
NOTICE OF MOTION

Defendants.

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PLEASE TAKE NOTICE that upon the attached declaration of Rudolph W. Giuliani, dated August 21, 2023 and the exhibits annexed thereto, upon the complaint herein, and upon the accompanying memorandum of law, Defendant Giuliani will move this Court before Hon. Lewis A. Kaplan, U.S.D.J., in Courtroom 21B, United States Courthouse, Southern District of New York, 500 Pearl Street, New York, NY 10007, on a date set forth pursuant to SDNY Civ. R. 6.1 or as soon thereafter as the Court allows counsel to be heard, for an order pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure, granting Mr. Giuliani's motion to dismiss all causes of action in this action against him and dismissing the complaint in its entirety as against him.

Dated: New York, New York

August 21, 2023



Rudolph W. Giuliani

Defendant Pro Se

45 East 66th Street, 10th Fl.
New York, NY 10065